

the use of Pyro-Kil it is important to have the teeth cleaned and scaled by a dentist so as to remove all tartar or other deposits from the teeth that cause irritation and damage to the gum tissue, and which may be the principle cause for Pyorrhea, sore, bleeding gums, ulcers, etc. * * * Pyro-Kil * * * Formerly called Moore's Pyra-Rid."

On September 19, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23251. Adulteration and misbranding of whisky. U. S. v. 16 Cases and 15 Cases of Whisky. Decrees of condemnation. Product released under bond for relabeling. (F. & D. nos. 32775, 32789. Sample nos. 62049-A, 62050-A.)

These cases involved a product labeled "Whiskey", which failed to conform to the requirements of the United States Pharmacopoeia. The packages failed to bear on their labels a statement of the percentage by volume of alcohol contained in the article. The label of one lot contained unwarranted claims regarding its medicinal properties.

On May 28 and May 29, 1934, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 31 cases of whisky at New Orleans, La., alleging that the article had been shipped in interstate commerce, in various shipments between the dates of January 16 and March 7, 1934, by the Frankfort Distilleries, Inc., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Mattingly & Moore Whiskey A Blend * * * Frankfort Distilleries, Incorporated, Louisville, Kentucky, Baltimore, Maryland." The remainder was labeled, "Four Roses Whiskey A Blend."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged with respect to the Four Roses brand for the reason that the statements on the bottle and carton, "An Alcoholic Stimulant", and (carton only) "Notice To Apply the Prescription Sticker Pull This Flap Open", were false and misleading, since they created the impression that the product was medicinal whisky; whereas it was not.

Misbranding of the Mattingly and Moore brand was alleged for the reason that the statements, (bottle) "For Medicinal Purposes" and (carton) "Rx.", were false and misleading; and for the further reason that the following statements on the carton and bottle labels, were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: "Medicinal properties of Whiskey. An Easily combustible energy providing nutrient where the powers of assimilation are unable to utilize ordinary foods. Beneficial to weakly persons. More especially in the extremes of life. Sudorific power resulting from its relaxation of peripheral circulation has given spiritus frumenti high favor among the profession in both the prevention and treatment of minor infections resulting from exposure such as coryza, rhinitis, bronchitis, influenza and other nasal, laryngeal, bronchial and lobar affections." Misbranding of both brands was alleged for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article.

On November 22, 1934, H. Grabenheimer & Sons, Inc., New Orleans, La., having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

23252. Misbranding of Sirop D'Anis Gauvin Compound. U. S. v. 90 Bottles of Sirop D'Anis Gauvin Compound. Default decree of condemnation and destruction. (F. & D. no. 32799. Sample no. 71636-A.)

This case involved a drug preparation labeled to convey the impression that its chief physiological effects were derived from oil of anise, but which depended chiefly for its effects on the morphine content. The labels were further objectionable in that they contained unwarranted curative and therapeutic